

SECOND REGULAR SESSION

HOUSE BILL NO. 1528

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES TREADWAY, HOLAND, FOLEY, HEGEMAN, JOHNSON (90),
DOLAN (Co-sponsors), O'CONNOR, KOLLER, SHOEMYER (9), BERKSTRESSER AND NORDWALD.

Read 1st time January 17, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3855L.01I

AN ACT

To repeal section 334.735, RSMo, and to enact in lieu thereof one new section relating to
physician assistants.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 334.735, RSMo, is repealed and one new section enacted in lieu
2 thereof, to be known as section 334.735, to read as follows:

334.735. 1. As used in sections 334.735 to 334.749, the following terms mean:

2 (1) "Applicant", any individual who seeks to become licensed as a physician assistant;

3 (2) "Certification" or "registration", a process by a certifying entity that grants
4 recognition to applicants meeting predetermined qualifications specified by such certifying
5 entity;

6 (3) "Certifying entity", the nongovernmental agency or association which certifies or
7 registers individuals who have completed academic and training requirements;

8 (4) "Department", the department of economic development or a designated agency
9 thereof;

10 (5) "License", a document issued to an applicant by the department acknowledging that
11 the applicant is entitled to practice as a physician assistant;

12 (6) "Physician assistant", a person who has graduated from a physician assistant program
13 accredited by the American Medical Association's Committee on Allied Health Education and
14 Accreditation or by its successor agency, who has passed the certifying examination administered
15 by the National Commission on Certification of Physician Assistants and has active certification
16 by the National Commission on Certification of Physician Assistants who provides health care

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended
to be omitted in the law.**

17 services delegated by a licensed physician. A person who has been employed as a physician
18 assistant for three years prior to August 28, 1989, who has passed the National Commission on
19 Certification of Physician Assistants examination, and has active certification of the National
20 Commission on Certification of Physician Assistants;

21 (7) "Recognition", the formal process of becoming a certifying entity as required by the
22 provisions of sections 334.735 to 334.749;

23 (8) "Supervision", [control exercised over a physician assistant working within the same
24 office facility of the supervising physician except a physician assistant may make follow-up
25 patient examinations in hospitals, nursing homes and correctional facilities, each such
26 examination being reviewed, approved and signed by the supervising physician] **overseeing the**
27 **activities of, and accepting responsibility for, the medical services rendered by a physician**
28 **assistant. The supervising physician shall at all times be immediately available to the**
29 **physician assistant for consultation, assistance or intervention either personally or via**
30 **telecommunications. A supervising physician shall be personally present for practice**
31 **supervision and collaboration a minimum of twenty percent of clinic hours in any clinic**
32 **location utilizing physicians assistants. The physician assistant shall be limited to practice**
33 **at locations where the supervising physician is no further than thirty miles by road using**
34 **the most direct route available, or in any other fashion so distanced as to create an**
35 **impediment to effective intervention and supervision of patient care or adequate review**
36 **of services; except that, physician assistants practicing in federally designated health**
37 **professional shortage areas (HPSA) shall be limited to practice at locations where the**
38 **supervising physician is no further than fifty miles by road, using the most direct route**
39 **available.** The board shall promulgate rules pursuant to chapter 536, RSMo, for the [proximity
40 of practice between the physician assistant and the supervising physician and] documentation of
41 joint review of the physician assistant activity by the supervising physician and the physician
42 assistant.

43 2. The scope of practice of a physician assistant shall consist only of the following
44 services and procedures:

45 (1) Taking patient histories;

46 (2) Performing physical examinations of a patient;

47 (3) Performing or assisting in the performance of routine office laboratory and patient
48 screening procedures;

49 (4) Performing routine therapeutic procedures;

50 (5) Recording diagnostic impressions and evaluating situations calling for attention of
51 a physician to institute treatment procedures;

52 (6) Instructing and counseling patients regarding mental and physical health using

53 procedures reviewed and approved by a licensed physician;

54 (7) Assisting the supervising physician in institutional settings, including reviewing of
55 treatment plans, ordering of tests and diagnostic laboratory and radiological services, and
56 ordering of therapies, using procedures reviewed and approved by a licensed physician;

57 (8) Assisting in surgery;

58 (9) Performing such other tasks not prohibited by law under the supervision of a licensed
59 physician as the [physician's] **physician** assistant has been trained and is proficient to perform;

60 (10) Physician assistants shall not perform abortions.

61 3. Physician assistants shall not prescribe nor dispense any drug, medicine, device or
62 therapy independent of consultation with the supervising physician, nor prescribe lenses, prisms
63 or contact lenses for the aid, relief or correction of vision or the measurement of visual power
64 or visual efficiency of the human eye, nor administer or monitor general or regional block
65 anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing and dispensing
66 of drugs, medications, devices or therapies by a physician assistant shall be pursuant to a
67 physician assistant supervision agreement which is specific to the clinical conditions treated by
68 the supervising physician and the physician assistant shall be subject to the following:

69 (1) A physician assistant shall not prescribe controlled substances;

70 (2) The types of drugs, medications, devices or therapies prescribed or dispensed by a
71 physician assistant shall be consistent with the scopes of practice of the physician assistant and
72 the supervising physician;

73 (3) All prescriptions shall conform with state and federal laws and regulations and shall
74 include the name, address and telephone number of the physician assistant and the supervising
75 physician;

76 (4) A physician assistant or advanced practice nurse as defined in section 335.016,
77 RSMo, may request, receive and sign for noncontrolled professional samples and may distribute
78 professional samples to patients;

79 (5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies
80 the supervising physician is not qualified or authorized to prescribe; and

81 (6) A physician assistant may only dispense starter doses of medication to cover a period
82 of time for seventy-two hours or less.

83 4. A physician assistant shall clearly identify himself or herself as a physician assistant
84 and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr."
85 or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician
86 assistant shall practice or attempt to practice without physician supervision or in any location
87 where the supervising physician is not immediately available for consultation, assistance and
88 intervention, except in an emergency situation, nor shall any physician assistant bill a patient

89 independently or directly for any services or procedure by the physician assistant.

90 5. The physician assistant shall be a person who is a graduate of a physician assistant
91 program accredited by the American Medical Association's Committee on Allied Health
92 Education and Accreditation or its successor or is certified by a national nongovernmental
93 agency or association, who has passed the National Commission on Certification of Physician
94 Assistants examination and has active certification by the National Commission on Certification
95 of Physician Assistants or its successor. A person who has been employed as a physician
96 assistant for three years prior to August 28, 1989, and has passed the National Commission on
97 Certification of Physician Assistants examination shall be deemed to have met the academic
98 requirements necessary for licensing. **All applicants for physician assistant licensure who**
99 **complete their physician assistant training program after January 1, 2005, must have a**
100 **master's degree in a health or medical science related field.**

101 6. For purposes of this section, the licensing of physician assistants shall take place
102 within processes established by the state board of registration for the healing arts through rule
103 and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536,
104 RSMo, establishing licensing and renewal procedures, supervision, supervision agreements, fees,
105 and addressing such other matters as are necessary to protect the public and discipline the
106 profession. An application for licensing may be denied or the license of a physician assistant
107 may be suspended or revoked by the board in the same manner and for violation of the standards
108 as set forth by section 334.100, or such other standards of conduct set by the board by rule or
109 regulation. Persons licensed pursuant to the provisions of chapter 335, RSMo, shall not be
110 required to be licensed as physician assistants.

111 7. "Physician assistant supervision agreement" means a written agreement, jointly agreed
112 upon protocols or standing order between a supervising physician and a physician assistant,
113 which provides for the delegation of health care services from a supervising physician to a
114 physician assistant and the review of such services.

115 8. When a physician assistant supervision agreement is utilized to provide health care
116 services for conditions other than acute self-limited or well-defined problems, the supervising
117 physician or other physician designated in the supervision agreement, shall see the patient for
118 evaluation and approve or formulate the plan of treatment for new or significantly changed
119 conditions as soon as practical, but in no case more than two weeks after the patient has been
120 seen by the physician assistant.

121 9. At all times the physician is responsible for the oversight of the activities of, and
122 accepts responsibility for, health care services rendered by the physician assistant.

123 **10. No physician may be designated to serve as supervising physician for more than**
124 **three full-time equivalent licensed physician assistants. This information shall not apply**

125 to physician assistant agreements of hospital employees providing in-patient care services
126 in hospitals as defined in chapter 197, RSMo.

127 **11. It is the responsibility of the supervising physician to determine and document**
128 **the completion of at least one-month period of time during which the licensed physician**
129 **assistant shall practice with a supervising physician continuously present before practicing**
130 **in a setting where a supervising physician is not continuously present.**